

Editor Challenges Right of Congress To Force Him to Give Writer's Name

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Congress's right to compel a magazine editor to name the author of an article on how to make fire bombs was challenged here yesterday in a U.S. District Court.

At issue, said Gerald Sterns, the editor's attorney, is the balance between Congress's right to gather information for legislative purposes and the right of the press to operate freely.

Sterns told Judge Howard F. Corcoran his client would suffer "irreparable injury" if required to reveal the author's name. Such a disclosure would destroy the "confidential relationships" necessary to the editor's professional life, he said. Moreover, he added, such a disclosure would serve no legislative purpose.

Robert L. Keuch, chief of the appeals and research section of the Justice Department's internal security division, replied that Congress had the right to know the identity and the motives of such articles. The Congress needs this information as a basis for meaningful legislation to help stop bombings

and incendiarism in the country, he said.

Judge Corcoran took the matter under advisement. He said he would try to issue a ruling soon because of the approaching end of the congressional session.

The case arose from a subpoena issued by the Senate Permanent Subcommittee on Investigations, whose chairman is John L. McClellan (D-Ark.). It ordered Thomas W. Sanders, an editor of a now-defunct journal called "Black Politics," which was published in Berkeley, Calif., to appear before the subcommittee on Aug. 5.

Among other things, the subpoena asked specifically for the identity of "George Prosser," the pen name of the author of numerous articles in "Black Politics" including the one on construction of fire bombs.

On Aug. 3, Sanders filed a civil suit in U.S. District Court seeking temporary and permanent injunctions against enforcement of the subcommittee's subpoena. On Aug. 4, the U.S. Court of Appeals for the District of Columbia granted the enforcement of the subpoena and ordered the district

court to hold hearings on the merits of Sanders' case.

"Black Politics" described itself as an "independent journal whose purpose is to provide a forum for vanguard theories and ideas that deal with currently crucial issues."

Sterns told Judge Corcoran that Sanders did not always approve of what "George Prosser" wrote, but published his pieces anyway because he thought they were "relevant." He said thousands of articles had been published on how to make bombs, but that the authors had not been ordered to appear before the Senate subcommittee.

Keuch argued that if Sanders felt his prerogatives as a journalist would be compromised by the subcommittee's questions, he should at least appear before the panel and make his views known to its members. After that, he said, Sanders could seek relief in the courts if he felt it necessary.

Sterns replied that a mere appearance before the committee would destroy Sanders' credibility with the authors and sources with whom he worked.